

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

THOSHA ALLISON,

Petitioner,

v.

WARDEN, MADISON  
CORRECTIONAL INSTITUTION,

Respondent.

CASE NO. 2:12-CV-634  
JUDGE SMITH  
MAGISTRATE JUDGE ABEL

**OPINION AND ORDER**

On August 13, 2013, the Magistrate Judge issued a *Report and Recommendation* recommending that Respondent's *Motion to Dismiss* (Doc. No. 6) be granted and that this action be dismissed as barred by the one-year statute of limitations under 28 U.S.C. § 2244(d) and alternatively, as unexhausted. Petitioner objects to the Magistrate Judge's recommendation of dismissal of this habeas corpus petition as time-barred. Petitioner offers no grounds for his objections, however, and does not indicate that he has exhausted his claims.

Pursuant to 28 U.S.C. 636(b), this Court has conducted a *de novo* review. For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, Petitioner's *Objections*, Doc. No. 14, are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Respondent's *Motion to Dismiss*, Doc. No. 6, is **GRANTED**. This case is hereby is **DISMISSED**.

Petitioner also seeks a certificate of appealability. Where a claim has where the Court dismisses a claim on procedural grounds, a certificate of appealability

